

UNITED STATES BANKRUPTCY COURT FOR  
EASTERN DISTRICT OF PENNSYLVANIA

In re: ANNA LEE TOWNSVILLE               : Bankruptcy No. 16-15444MDC  
:  
Debtor   :  
:

**TRUSTEE’S BRIEF IN SUPPORT**  
**OF OBJECTION TO CONFIRMATION OF PLAN**  
**AND/OR MOTION TO DISMISS**

## ISSUE

The main issue before the Court is whether homeowner's insurance is necessary to protect property of the estate in a Chapter 13 case.

## **LEGAL ARGUMENT**

As discussed in court on December 14, 2017, a copy of Judge Bruce Fox's opinion *In re Heggs* is attached and marked as Exhibit 1.

Given the fact that only one unsecured creditor (Midland Credit Management, Inc. as agent for Midland Funding LLC) has filed a claim, and Debtor has filed an adversary action to disallow that claim, the standing trustee is willing to have the Court defer ruling on this issue until the adversary is decided. If debtor prevails, and the claim is disallowed, the standing trustee will withdraw his motion to dismiss on insurance grounds, based upon the reasoning in the *Heggs* decision. However, the standing trustee reserves the right to press for dismissal of the case, based upon lack of insurance, if the adversary action is denied.

/s/ Jacqueline M. Chandler

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